

STARK & STARK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MEMO ENDORSED

BC MEDIA FUNDING COMPANY II,

Plaintiff,

vs.

FRANK LAZAUSKAS, MICHAEL L.
METTER, LEONARD MOSCATI, E.
MICHAEL PISANI,

Defendants.

CIVIL ACTION NO. No. 1:08-cv-06228-RPP
Hon. Robert P. Patterson
ECF Case

**MOTION TO EXTEND TIME TO
RESPOND TO COURT'S ORDER OF
OCTOBER 13, 2009**

USDC SDNY
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TO: Anthony DiSarro, Esq.
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SIR:

PLEASE TAKE NOTICE that Defendant, Frank Lazauskas, moves before the Honorable Robert P. Patterson, United States District Court, Southern District of New York, for an Order extending for seven (7) days the time for Defendant to respond to Plaintiff's motion for an Order requiring all Defendants to liquidate certain securities and turn over the proceeds to Plaintiff.

In support of this motion, counsel states the following:

1. In June 2009, Plaintiff filed a motion seeking an Order requiring all Defendants to liquidate certain securities and turn over the proceeds to Plaintiff (the "Turnover Motion").

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2. The parties reached a settlement in June 2009, the terms of which required the payment of \$6 million to Plaintiff. As of today, \$5 million has been paid. Plaintiff wrote to the Court on October 9, 2009, notifying the Court that the final payment of \$1 million had not yet been received, and requesting that the Court reschedule the Turnover Motion. The Court entered an Order on October 13, 2009, directing that any response to the Turnover Motion be filed by October 26, 2009.

3. Defendant requests a one-week extension of time to respond to the Turnover Motion. Defendant is exploring options for satisfaction of the final payment due under the Settlement Agreement, and Defendant needs the additional week to conclude discussions which he hopes will result in the final payment being made to Plaintiff.

WHEREFORE, Defendant respectfully requests that the Court extend the deadline for responding to Plaintiff's motion through and including November 2, 2009.

Respectfully submitted,

STARK & STARK, P.C.

By: s/Martin P. Schrama
MARTIN P. SCHRAMA
Attorney for Defendant
Frank Lazauskas

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*Application granted
with consent of plaintiff.
So ordered
[Signature]
10/26/09*

Dated: October 26, 2009

10/28/09